

# 2005 Current Fiscal Year Report: Independent Review Panel to Study the Relationships between Military Department General Counsels and Judge Advocates General

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<b>1. Department or Agency</b>	<b>2. Fiscal Year</b>
Department of Defense	2005
<b>3. Committee or Subcommittee</b>	<b>3b. GSA Committee No.</b>
Independent Review Panel to Study the Relationships between Military Department General Counsels and Judge Advocates General	23081

<b>4. Is this New During Fiscal Year?</b>	<b>5. Current Charter</b>	<b>6. Expected Renewal Date</b>	<b>7. Expected Term Date</b>
Yes	12/22/2004	12/22/2006	09/30/2005

<b>8a. Was Terminated During Fiscal Year?</b>	<b>8b. Specific Termination Authority</b>	<b>8c. Actual Term Date</b>
Yes	Section 574 of the FY 05 Natl Defense Auth. Act	09/30/2005

<b>9. Agency Recommendation for Next Fiscal Year</b>	<b>10a. Legislation Req to Terminate?</b>	<b>10b. Legislation Pending?</b>
Terminate	No	Enacted

**11. Establishment Authority** Statutory (Congress Created)

<b>12. Specific Establishment Authority</b>	<b>13. Effective Date</b>	<b>14. Committee Type</b>	<b>14c. Presidential?</b>
Section 574 of the FY05 Natl Defense Auth Act	10/28/2004	Ad hoc	No

**15. Description of Committee** Other Committee

**16a. Total Number of Reports** 1

<b>16b. Report Date</b>	<b>Report Title</b>
09/15/2005	Legal Services in the Department of Defense: Advancing Productive Relationships

**Number of Committee Reports Listed: 1**

**17a. Open** 6 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 6

**Meetings and Dates**

<b>Purpose</b>	<b>Start</b>	<b>End</b>
Testimony	05/18/2005	- 05/19/2005
Testimony	06/01/2005	- 06/02/2005

Testimony	06/15/2005	- 06/15/2005
Testimony and Deliberations	06/28/2005	- 06/29/2005
Deliberation	07/28/2005	- 07/28/2005
Deliberation	08/12/2005	- 08/12/2005

#### **Number of Committee Meetings Listed: 6**

	<b>Current FY</b>	<b>Next FY</b>
<b>18a(1). Personnel Pmts to Non-Federal Members</b>	\$0.00	\$0.00
<b>18a(2). Personnel Pmts to Federal Members</b>	\$0.00	\$0.00
<b>18a(3). Personnel Pmts to Federal Staff</b>	\$200,000.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$16,655.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$2,141,740.00	\$0.00
<b>18d. Total</b>	\$2,358,395.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	0.00	0.00

#### **20a. How does the Committee accomplish its purpose?**

Pursuant to Section 574 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, the Panel will conduct a study and review of the relationships between the legal elements of each of the Military Departments and prepare a report setting forth the Panel's recommendations as to statutory, regulatory and policy changes that the Panel considers to be desirable to improve the effectiveness of those relationships and to enhance the legal support provided to the leadership of each Military Department and each of the Armed Forces in the Department of Defense. References in the Charter to the General Counsels and the Judge Advocates General of the Military Departments include, with regard to the Marine Corps, the Counsel to the Commandant of the Marine Corps and the Staff Judge Advocate to the Commandant of the Marine Corps. The panel will: (1) Review the history of relationships between the uniformed and civilian legal elements of each of the DoD Armed Forces (including the Reserve Components); (2) Analyze the division of duties and responsibilities between those elements in each of the DoD Armed Forces;(3) Review the situation with respect to civilian attorneys in the Military Departments outside the offices of the Military Department General Counsels and their relationships to the Judge Advocates General and the Military Department General Counsels; (4) Consider whether the ability of judge advocates to give independent, professional legal advice to their service staffs and to commanders at all levels in the field is adequately provided for by policy and law;(5) Consider whether the Judge Advocates General and General Counsels of the Military Departments possess the necessary authority to exercise professional supervision over judge advocates, civilian attorneys, and other legal personnel practicing under their cognizance in the performance of their

duties; (6) Address other related issues considered appropriate; and(7) By April 1, 2005, submit a report that sets forth the findings and conclusions of the panel as a result of the study and review, together with any recommendations for legislative or administrative action that the panel considers appropriate.

**20b. How does the Committee balance its membership?**

Section 574 prescribes a panel comprised of seven members, within prescribed parameters, selected from experts who are private citizens and directs panel review and analysis of several specified matters. The Panel was so composed and offered a balanced view of the issues it reviewed.

**20c. How frequent and relevant are the Committee Meetings?**

The committee held 6 meetings over a 4 month period to gather the information needed to complete its report and to deliberate on the substance of its report.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

This committee was established as required by Section 574 of the Ronald W. Reagan National Defense Authorization Act for FY 2005. CMO is required to provide this information.

**20e. Why is it necessary to close and/or partially closed committee meetings?**

N/A

**21. Remarks**

This Ad Hoc Committee has submitted its Final Report as required by the enabling legislation and has therefore concluded its business. Committee costs are based upon Government estimates and not the actual expenditures.

**Designated Federal Officer**

Jim Schwenk DFO

<b>Committee Members</b>	<b>Start</b>	<b>End</b>	<b>Occupation</b>	<b>Member Designation</b>
Huffman, Walter	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Marsh, John	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Murphy, Peter	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Peters, F.	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Preston, Stephen	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Sajer, Marsha	11/30/2004	11/30/2005	Attorney	Special Government Employee (SGE) Member
Shaud, John	11/30/2004	11/30/2005	Retired General, USAF	Special Government Employee (SGE) Member

**Number of Committee Members Listed: 7**

### **Narrative Description**

The Committee provides recommendations on enhancing the performance of the legal elements of the Military Departments.

### **What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input type="checkbox"/>            |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input type="checkbox"/>            |
| Advance in scientific research                    | <input type="checkbox"/>            |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input checked="" type="checkbox"/> |
| Increased customer satisfaction                   | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input type="checkbox"/>            |

### **Outcome Comments**

NA

### **What are the cost savings associated with this committee?**

Checked if Applies

- |                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input checked="" type="checkbox"/> |
| Unable to Determine        | <input type="checkbox"/>            |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

### **Cost Savings Comments**

NA

### **What is the approximate Number of recommendations produced by this committee for the life of the committee?**

5

### **Number of Recommendations Comments**

NA

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

0%

**% of Recommendations Fully Implemented Comments**

The Panel's recommendations are under consideration by the Department of Defense.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

The Panel's recommendations are under consideration by the Department of Defense.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

The Department of Defense will notify each member of the committee of the action taken regarding each committee recommendation.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

Reorganized Priorities	<input type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input type="checkbox"/>
Proposed legislation	<input type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Action Comments**

The Department of Defense is considering the recommendations of the committee.

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

NA

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input type="checkbox"/>
Online Committee Web Site	<input checked="" type="checkbox"/>
Online GSA FACA Web Site	<input type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

**Access Comments**

NA